

## REMARKS

Applicants thank the Examiner for his recognition of allowable subject matter in claims 4 and 8.

The specification is being amended to insert the application numbers that were missing from the application as filed. Applicants regret the oversight in not having made this correction in the previous response. Applicants submit that the objections to the specification has been overcome.

### Rejections under 35 U.S.C. § 102 (e)

Claims 1-3 and 5-7 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Bennett et al., U.S. Patent No. 6,060,569 (Bennett '569). Claims 1 and 5 have been amended to remove S(T)<sub>2</sub> from the recitation of groups from which Y can be selected. Applicants submit that claims 1-3 and 5-7 are not anticipated by Bennett '569. Accordingly, withdrawal of the rejections of the claims under 35 U.S.C. § is respectfully requested.

### Double patenting rejection

Claims 1-3 and 5-7 were rejected under the judicially created doctrine of double patenting, in view of Bennett '569. The Examiner stated that the basis for the rejection was that claims 1-13 of Bennett '569 comprise a subgeneric group within the generic scope of the present claims. Applicants respectfully submit that, in view of the present amendments, the compounds disclosed in claims 1-13 of Bennett '569 are not a subgeneric group of the compounds of the present invention. It is further submitted that, in view of the present amendments, there is no conflict to be resolved regarding common ownership or inventorship. Accordingly, Applicants submit that no statement regarding common ownership or a prior inventor is required, and withdrawal of the double patenting rejection is respectfully requested.

## CONCLUSION

In view of the above Remarks and the Examiner's indication that Claims 4 and 8 of the present application are directed to allowable subject matter, Applicants submit that all of the claims are in condition for allowance. Prompt issuance of a Notice of Allowance is therefore respectfully requested.

In order to expedite completion of the prosecution and allowance of the present application, the Examiner is respectfully requested to telephone the undersigned to discuss any remaining issues.

If any fees are required in connection with the filing of this response, you are hereby authorized to charge deposit account number 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully submitted,

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